QUESTIONS FOR ANSWERS ON THE DAY

(but not taken up)

Inter State Seniority List of M.S.R.T.C. Employees

26. Sri. B. SATHYANARAYANA SINGH (Hospet).—

Will the Minister for Labour be pleased to state :—

(*a*) whether it is a fact that the High Court of Mysore has quashed the Inter-state Seniority list of M.S.R.T.C., in W.P. 418 on the ground that the list has clubbed "Civil" and "Non-Civil" servants ;

(*b*) whether it is a fact that employees of Ex-M.G.R.T.D., H.R.T.D. and B.T.S. are de med to be "Civil Servants" under Secion 115 (5) of the States Reorganisation Act ;

(*c*) whether it is a fact that employees of Ex-B.S.R.T.C. are deemed to be "Non-Civil Servants" as they were only allotted to the M.S.R.T.C. by virtue of Section 47 A of Central Road Transport Corporation Act ;

(*d*) whether it is a fact that the State Government published an inter-state seniority fist of M.S.R.T.C. employees with the concurrence of the Government of India in the year 1959 ;

(*e*) whether the High Court of Mysore has observed in W.P. No. 448 that the seniority of Ex-B.S.R.T.C-employees *vis-a-vis* the other employees has yet to be determined ; if so, whether this seniority question was determined and on what basis ;

(*f*) whether it is a fact that the decisions of Mysore High Court in W.P. No. 418 and W.P. No. 448 are conflicting and contradictory ; if so, the reason for the State Government in not preferring an appeal to Supreme Court against the Judgement in W.P. 448 ?

Sri AZEEZ SAIT (Minister for Lobour).—

(*a*) The ground on which the High Court of Mysore quashed the inter-state seniority list of M.G.R.T.D., employees under the judgment dated 15th March 1961 in W.P. No. 418/60 was not because of the amalgamation of "Civil" and "Non-Civil" servents. The inter-state seniority list was quashed on the following grounds :—

(1) The inter-state seniority list prepared on 6th March 1958 was as on 1st January 1957 and not as on 1st November 1956, the appointed day, under the S.R. Act.

(2) The inter-state seniority list included persons of Ex-B.S.R.T.C., who were allotted to the new State of Mysore on 1st January 1957.

(3) The preparation of the inter-state seniority list under Section 115 (5) of the S.R. Act by the Government of Mysore is an usurpation

of the power of Central Government; and (4) the integration of service of personnel not folling under Section 115 of the S.R. Act cannot be dealt with under the provisions of that Section. The judgment however, finally makes it clear that it does not and will not prevent the Government from reconsidering or re doing the matter in exercise of the power which they may have under the Constitution and subject to the provisions of the S.R. Act to the extent they are applicable to the situation.

(*b*) Yes.

(*c*) The employees of the B.S.R.T.C. though originally not civil servants of any State Government by virtue of legislation undertaken pursuant to Secion 109 of the S.R. Act, they subsequently acquired that status as from 1st January 1957 the date on which they were appointed by the New State of Mysore. There was no M.S R.T.C., in the New State of Mysore as on 1st January 19 7 but there was a Departm nt of Government of Mysore called "MGRTD" as on that date. The employees of BSRTC., were transferred as from 1st January 1957 to serve in connection with the affairs of the New State of Mysore under B.S.R.T.C Order No. 2-T (30)/57, dated 31st December 1956. These persons were appointed by the New State of Mysore by Notification No. T. 8552-54/RT/190-56-2 dated 21st January 1957.

(*d*) The Interestate seniority list pulished by the Government of of Mysore in the Gazette dated 25th December 1969 was in respect of the MGRTD., employees as on 1st November 1956. It is true that the said inter-state Seniority list was published with the concurrence of the Government of India as contemplated under Section (5) 115 of the S.R. Act.

(*e*) The High Court of Mysore has in the Judgment dated 14th August 1972 in W.P. No. 448/69 observed that the final inter-state seniority list relating to the officials coming from the other regions have been made by the Union Government and that the list of the officials who are allotted from the B.S.R.T.C., as on 1st January 1957 is also available, and it would be necessary to prepare a gradation list as on 1st January 1957. In pursuance of the direction contained in this judgment and Article 30 of the Constitution, the Government of Mysore have now prepared and published a provisional gradation list of all the employees as on 1st January 1957, calling for objections to the same. These objections are yet to be considered and the list finalised thereafter.

(*f*) No. In view of the replies to clauses (*a*) and (*e*) there was no occasion to take the matter to the Supreme Court.